

MELINDA HAAG (CABN 132612)  
United States Attorney

J. DOUGLAS WILSON (DCBN 412811)  
Chief, Criminal Division

TIMOTHY J. LUCEY (CABN 172332)  
Assistant United States Attorney

150 Almaden Boulevard, Suite 900  
San Jose, California 95113  
Telephone: (408) 535-5054  
FAX: (408) 535-5066  
timothy.lucey@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	Case No.: CR 14 - 70298 PSG
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del> ORDER
	)	
v.	)	
	)	[UNDER SEAL]
KISHORE PALLAPOTHU,	)	
	)	
Defendant.	)	

Defendant Kishore Pallapothu has been charged with a violation of 18 U.S.C. § 1505, Obstruction of Justice, and has been released on terms and conditions including an appearance bond and supervision by Pretrial Services.

This matter is scheduled to come before the Court for preliminary hearing or arraignment on indictment on Thursday, September 4, 2014.

Since the last calling of the case, defense counsel has reviewed discovery provided by the government and the government intends to make additional information available to the defendant in the near term. Additional time is required to receive, review and analyze the to-be-provided discovery. The parties are also continuing to discuss the merits of the underlying investigation relative to a possible disposition of this matter short of indictment and such disposition may include cooperation.

1 Accordingly, the parties mutually agree and hereby stipulate that a short continuance of this  
2 matter from September 4, 2014, until October 29, 2014, is necessary for effective preparation of counsel  
3 and for continuity of counsel. The parties further agree and stipulate that the time from September 4,  
4 2014, through and including October 29, 2014, may be excluded from the computation of time within  
5 which an information or indictment shall be filed under the Speedy Trial Act, in order to ensure the  
6 reasonable time necessary for effective preparation and continuity of counsel, pursuant to Title 18,  
7 United States Code Section 3161(b), (h)(7)(A), (h)(7)(B)(iv), as well as a mutual stipulation to waive  
8 time for an indictment or preliminary hearing, pursuant to Rule 5.1 of the Federal Rules of Criminal  
9 Procedure, up to and including October 29, 2014, based on the need for effective preparation of counsel  
10 and continuity of counsel.

11 Finally, as this document references a disposition including cooperation, the parties request that  
12 this stipulation and order be filed under seal.

13 **IT SO STIPULATED.**

14  
15 MELINDA HAAG  
United States Attorney

16  
17 Dated: August 29, 2014

18 /s/  
TIMOTHY J. LUCEY  
Assistant United States Attorney

19  
20  
21  
22 Dated: August 29, 2014

23 /s/  
EDWIN PRATHER  
Attorney for Defendant  
KISHORE PALLAPOTHU

~~[PROPOSED]~~ ORDER

**GOOD CAUSE APPEARING** and per the parties' stipulation, the Court enters this order continuing the date for a preliminary hearing or arraignment on an indictment, from Thursday, September 4, 2014, until Wednesday, October 29, 2014, at 1:30 p.m., before the duty magistrate judge, as well as documenting the defendant's waiver of the time to conduct a preliminary hearing under Federal Rule of Criminal Procedure Rule 5.1, as well as the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from September 4, 2014, up to and including October 29, 2014.

Finally, as this stipulation and order references cooperation, the document shall be filed under seal pending further order of this Court, except that copies may be provided to the United States and counsel for the defendant.

**IT IS SO ORDERED.**

Dated: 9/3/2014

  
HON. PAUL S. GREWAL  
UNITED STATES MAGISTRATE JUDGE